

COUNTY OF YORK

MEMORANDUM

DATE: April 27, 2001 (BOS Mtg. 5/15/01)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator

SUBJECT: Application No. UP-575-01, Stephen D. Ashe

ISSUE

This application requests a special use permit, pursuant to Section 24.1-407(c) of the York County Zoning Ordinance, to authorize a detached accessory apartment in conjunction with a single-family detached dwelling on property located at 231 Jethro Lane and further identified as Assessor's Parcel No. 25-451B

DESCRIPTION

- Property Owner: Stephen D. Ashe
- Location: 231 Jethro Lane
- Area: 8.2 acres
- Frontage: Subject parcel does not have frontage on a public right-of-way; property is accessed by a private drive extending from Jethro Lane.
- Utilities: Public water and septic system
- Topography: Flat
- 2015 Land Use Map Designation: Low-Density Residential
- Zoning Classification: RR-Rural Residential
- Existing Development: 2,267 square foot home; 5,000 square foot home under construction
- Surrounding Development:
 - North: Single family detached home
 - East: Single family detached home
 - South: Single family detached home
 - West: Chisman Creek
- Proposed Development: Detached accessory apartment (965 square feet) in conjunction with a single-family detached dwelling

CONSIDERATIONS/CONCLUSIONS

1. Accessory apartments are permitted as a matter of right in the RR zoning district, but because the proposed size of the accessory apartment exceeds the limits prescribed in Section 24.1-407(c) of the Zoning Ordinance (450 square feet or 25% of the total floor area of the principal dwelling, whichever is less), a special use permit is required. The comprehensive plan designates this area for low-density single-family residential uses.
2. The applicant recently purchased the subject parcel with plans to build an approximately 5,000-square foot home. The new home is currently under construction and its building permit was issued subject to the applicant's execution of an agreement to demolish the existing residence prior to issuance of a certificate of occupancy (the agreement is required to ensure against the potential of having two homes on one lot). Now, as part of the proposed house construction, the applicant wishes to convert the existing house on the lot into a detached accessory apartment that would serve as a permanent living area for a member of the applicant's family (see attached sketch plans). The proposed apartment would include a living area, bedroom, kitchen, bathroom, and garage. The remainder of the home would be converted to storage space. According to the applicant's current building plans, the total area of the accessory apartment would be approximately 965 square feet, which represents 19 % of the size of the principal dwelling. If this use permit is approved, the agreement requiring demolition will be voided.
3. Performance standards for accessory apartments are set forth in Section 24.1-407 of the Zoning Ordinance. These limit the maximum number of accessory apartments to one per single-family detached dwelling, require adequate provisions for off-street parking (which should not be a problem in this case since the apartment will have a garage and the parcel is 8+ acres), require occupancy only by family members or guests of the occupant of the principal dwelling, and prohibit the apartment from being rented separate from the principal dwelling. These standards have been included in the approving resolution.
4. According to the Zoning Ordinance, the Board of Supervisors may approve accessory apartments larger than the 450 square feet maximum allowed by right; however, the Zoning Ordinance does not establish an upper limit regarding the square footage for accessory apartments that require a special use permit. Section 24.1-407(c) of the Zoning Ordinance merely states that...*[L]arger units may be approved by the board of supervisors upon issuance of a special use permit.* Moreover, there are no standards on how the accessory apartments may be established or constructed other than it may be attached or detached. In the past, the Board has considered a range of proposals for accessory apartments, which include newly constructed above-garage apartments, home additions (apartments attached to the existing house), and existing garage conversions both in the attached and detached varieties. This application is the first to propose a conversion of an existing house and it raised concerns about the size and confines of the accessory apartment. To address these concerns, the applicant agreed to submit a conversion plan (see attached) that indicates the areas of the house that will be converted to permanent storage (non-living space) and also has agreed to an on-site inspection of the accessory apartment to ensure its compliance with the conversion plans. There will be a separate entrance constructed to the storage area and the accessory apartment will not have direct access to the storage area or its use as living area. The applicant's conversion plans and the on-site inspection have been included as conditions in the proposed approving resolution.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission considered this application at its regular meeting on April 11, 2001 and, subsequent to holding a public hearing, voted 4:3 to recommend approval. Messrs. Hendricks and Beil, and Ms. White held the dissenting opinion stating that the proposal was a three-bedroom house and not an accessory apartment and if the application were approved, the parcel would have two houses on one lot. They also said that the proposal was not consistent with what they envisioned as an accessory apartment and that other alternatives were available to the applicant, including the family subdivision process. Other than the applicant, no others spoke during the public hearing.

RECOMMENDATION

The Zoning Ordinance affords the Commission and Board of Supervisors with a considerable amount of latitude when determining the final square footage of an accessory apartment, and whether the accessory apartment is attached, detached, an existing conversion, or newly constructed. I feel that the subject parcel can accommodate the proposed accessory apartment within the confines of the existing standards in the Zoning Ordinance and the conditions recommended. Therefore, I recommend that the Board of Supervisors approve this application through the adoption of Resolution No. R01-86.

Carter/3337

Attachments

- Excerpts of unapproved minutes, PC meeting 4/11
- Zoning Map
- Conversion floor plans
- Proposed Resolution No. R01-86

Copy to: Stephen D. Ashe